



**SPECIAL CONCURRENT CITY COUNCIL, HOUSING AND REDEVELOPMENT AUTHORITY AND PLANNING  
COMMISSION WORKSESSION  
RICHFIELD MUNICIPAL CENTER, BARTHOLOMEW ROOM  
FEBRUARY 9, 2016  
6:15 PM**

Call to order

1. Discussion regarding a Cedar Point update and a new development proposal (Council Memo No. 11/HRA Memo No. 5)

Adjournment

**Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.**



**REGULAR CITY COUNCIL MEETING  
RICHFIELD MUNICIPAL CENTER, COUNCIL CHAMBERS  
FEBRUARY 9, 2016  
7:00 PM**

**INTRODUCTORY PROCEEDINGS**

Call to order

Open forum (15 minutes maximum)

***Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.***

Pledge of Allegiance

Approval of the minutes of the (1) Special City Council Meeting of January 25, 2016; (2) Special City Council Worksession of January 26, 2016; (3) Special Concurrent City Council, HRA and Planning Commission Worksession of January 26, 2016; and (4) Regular City Council Meeting of January 26, 2016.

**COUNCIL DISCUSSION**

1. Hats Off to Hometown Hits

**AGENDA APPROVAL**

2. Approval of the agenda.
3. **Consent Calendar contains several separate items, which are acted upon by the City Council in one motion. Once the Consent Calendar has been approved, the individual items and recommended actions have also been approved. No further Council action on these items is necessary. However, any Council Member may request that an item be removed from the Consent Calendar and placed on the regular agenda for Council discussion and action. All items listed on the Consent Calendar are recommended for approval.**
  - A. Consideration of the approval of a resolution supporting dedicated state funding for city streets.  
Staff Report No. 25
  - B. Consideration of the approval of the first reading of amendments to the City's Zoning Ordinance. The proposed ordinance would update day care facility allowances in all residential districts, such that Richfield's regulations are in agreement with those of the State.  
Staff Report No. 26
  - C. Consideration of the approval of a resolution granting a conditional use permit to reconstruct and expand a legally nonconforming accessory structure at Mother Duck Learning Center (6341 Penn Avenue).  
Staff Report No. 27
  - D. Consideration of the approval of a first reading of an ordinance authorizing the conveyance of property owned by the City of Richfield to the Richfield Housing and Redevelopment Authority.

4. Consideration of items, if any, removed from Consent Calendar

**CITY MANAGER'S REPORT**

5. City Manager's Report

**CLAIMS AND PAYROLLS**

6. Claims and payrolls

Open forum (15 minutes maximum)

***Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.***

7. Adjournment

**Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.**

**CITY OF RICHFIELD, MINNESOTA**  
Office of City Manager

February 4, 2016

Council Memorandum No. 11

The Honorable Mayor  
And  
Members of the City Council

HRA Memorandum No. 5  
Housing and Redevelopment  
Authority Commissioners  
City of Richfield

Subject: Cedar Point Update and New Development Proposal  
(Worksession Agenda Item No. 1)

Council Members and Commissioners:

Recently, a portion of the Cedar Point retail development was sold by Ryan Companies to Hempel Companies. At the February 9, 2016 joint worksession of the City Council, the Housing and Redevelopment Authority (HRA), and Planning Commission, representatives from Hempel Companies will be in attendance to discuss future plans for the existing center and the vacant parcels.

Additionally, representatives from Interstate Partners will be presenting their proposal for a new retail building at the southwest corner of the roundabout at 66th Street and Richfield Parkway. This proposal would include the purchase of HRA-owned properties to Interstate Partners in the development area.

Respectfully submitted,



Steven L. Devich  
City Manager

SLD:kcb

Email: Assistant City Manager  
Department Directors  
Planning Commission



# CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

## Special City Council Meeting Advisory Board/Commission Applicant Interviews

January 25, 2016

### CALL TO ORDER

The meeting was called to order by Mayor Goettel at 5:30 p.m. in the Babcock Room.

### ROLL CALL

*MEMBERS PRESENT:* Debbie Goettel, Mayor; Pat Elliott and Tom Fitzhenry.

### INTERVIEW OF APPLICANTS

The City Council conducted interviews of the following applicants for appointment to City Advisory Boards and Commissions:

Tim Carter
Gary Ness
Jeffrey Wright

### ADJOURNMENT

The meeting was adjourned by unanimous consent at 6:00 p.m.

Date Approved: February 9, 2016.

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Debbie Goettel  
Mayor

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Cheryl Krumholz  
Executive Coordinator

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Steven L. Devich  
City Manager



**CITY COUNCIL MINUTES**  
Richfield, Minnesota  
**Special City Council Worksession**  
**January 26, 2016**

**CALL TO ORDER**

The meeting was called to order by Mayor Goettel at 5:45 p.m. in the Bartholomew Room.

*Council Members Present:* Debbie Goettel, Mayor; Pat Elliott; Edwina Garcia (arrived 5:55 p.m.); and Tom Fitzhenry.

*Council Member Absent:* Michael Howard.

*Staff Present:* Steven L. Devich, City Manager; Kristin Asher, Public Works Director; Robert Hintgen, Utilities Superintendent; and Cheryl Krumholz, Executive Coordinator.

<b>Item #1</b>	<b>DISCUSSION REGARDING THE SERVICE LINE WARRANTY PROGRAM (COUNCIL MEMO NO. 7)</b>
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Ashley Shiwarski of Utility Service Partners, Inc., the administrator for the National League of Cities Service Line Warranty Program, discussed the sewer and water line repair warranty program. She stated the NLC endorses this program as an affordable home protection solution that helps residents save on the high cost of repairing broken or leaking water or sewer lines.

The City Council consensus was to direct staff to proceed with reviewing the warranty program.

**ADJOURNMENT**

The meeting was adjourned by unanimous consent at 6:00 p.m.

Date Approved: February 9, 2016

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Debbie Goettel  
Mayor

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Cheryl Krumholz  
Executive Coordinator

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Steven L. Devich  
City Manager

# CITY COUNCIL MINUTES

Richfield, Minnesota



## Special Concurrent City Council, Housing and Redevelopment Authority, and Planning Commission Worksession

January 26, 2016

### CALL TO ORDER

The concurrent worksession was called to order by Mayor Goettel at 6:00 p.m. in the Bartholomew Room.

*Council Members Present:* Debbie Goettel, Mayor; Pat Elliott; Edwina Garcia; and Tom Fitzhenry.

*Council Member Absent:* Michael Howard.

*HRA Members Present:* Mary Supple, Chair; Pat Elliott, Debbie Goettel, David Gepner, and Doris Rubenstein.

*Planning Commission Members Present:* Rick Jabs, Chair; Sean Hayford Oleary; Susan Rosenberg; and Daniel Kitzberger.

*Planning Commission Members Absent:* Charles Standfuss, Gordon Vizecky and Erin Vrieze Daniels.

*Staff Present:* Steven L. Devich, City Manager/Executive Director; Pam Dmytrenko, Assistant City Manager/HR Manager; John Stark, Community Development Director; Kristin Asher, Public Works Director; Karen Barton, Assistant Community Development Director; and Cheryl Krumholz, Executive Coordinator.

#### Item #1

#### DISCUSSION REGARDING CEDAR CORRIDOR MASTER PLAN UPDATE (COUNCIL MEMO NO. 8/HRA MEMO NO. 3)

Representatives from JLG Architects presented a preliminary draft of the updated Cedar Corridor Master Plan for review, comments and feedback. The review included the existing conditions analysis; north-18<sup>th</sup> Avenue greenway option; south-18<sup>th</sup> Avenue greenway option; north-Cedar Avenue greenway option; and south-Cedar Avenue greenway option.

Discussion among Council Members, HRA Commissioners and Planning Commissioners included transportation alignment on 18<sup>th</sup> Avenue and Cedar Avenue, highway buffers, airport noise, mandating design criteria, viable land size for redevelopment, commercial/residential, maintaining parkway and trails, and community amenities.

City Manager/Executive Director Devich stated the transportation alignment was a policy decision.

Community Development Director Stark explained the 18<sup>th</sup> Avenue alignment is preferred but will involve takings, property assembly and be a phased approach. He said the next step in the process is to conduct a public meeting and schedule another concurrent meeting for March.

The consensus was support for the 18<sup>th</sup> Avenue transportation alignment.

Kent Carlson, Anderson Companies, explained their original development project was to go along Cedar Avenue and changing to 18<sup>th</sup> Avenue would impact the project but they could work with it. He added they need to be mindful of the timeline for current contracts for acquisition.

The Concurrent Worksession was adjourned by unanimous consent at 6:53 p.m.

Date Approved: February 9, 2016.

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Debbie Goettel  
Mayor

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Cheryl Krumholz  
Executive Coordinator

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Steven L. Devich  
City Manager





# CITY COUNCIL MEETING MINUTES

## Richfield, Minnesota

### Regular Meeting

January 26, 2016

#### CALL TO ORDER

The meeting was called to order by Mayor Goettel at 7:00 p.m. in the Council Chambers.

*Council Members Present:* Debbie Goettel, Mayor; Pat Elliott; Edwina Garcia; and Tom Fitzhenry.

*Council Member Absent:* Michael Howard.

*Staff Present:* Steven L. Devich, City Manager; Kristin Asher, Public Works Director; John Stark, Community Development Director; Jay Henthorne, Public Safety Director; Jim Topitzhofer, Recreation Services Director; Bill Fillmore, Liquor Operations Director; Pam Dmytrenko, Assistant City Manager/HR Manager; Karen Barton, Assistant Community Development Director; Andrew Biggerstaff, City Attorney; and Cheryl Krumholz, Executive Coordinator.

#### OPEN FORUM

Linda Soderstrom on behalf of Claire Lee, 7610 Penn Avenue, #226, expressed several concerns regarding the updating of the Concierge Apartments.

Linda Soderstrom, 7720 Penn Avenue, expressed several concerns regarding the updating of the Concierge Apartments.

Community Development Director Stark stated the City addresses the issues as they become aware of them. He added the City does have a role in determining building addresses but has no legal right in determining unit numbers.

#### PLEDGE OF ALLEGIANCE

Mayor Goettel led the audience in the Pledge of Allegiance.

#### APPROVAL OF MINUTES

M/Elliott; S/Fitzhenry to approve the minutes of the (1) Regular City Council Meeting of December 8, 2015; (2) Special City Council Worksession of January 12, 2016; (3) Regular City Council Meeting of January 12, 2016; and (4) Special City Council Meeting of January 16, 2016.

Motion carried 4-0.

<b>Item #1</b>	<b>COUNCIL DISCUSSION</b> <ul style="list-style-type: none"><li>Hats Off to Hometown Hits</li></ul>
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Council Member Fitzhenry reported on the following:

- Reader's Choice Awards published in the Richfield Sun Current
- Hockey Day in Richfield, January 30, 2016, Donaldson Park
- Taft Lake Ice Fishing Bowl, February 6, 2016
- Noise Oversight Committee update

Public Works Director Asher provided an update on the Metropolitan Council sewer project on 66<sup>th</sup> Street.

<b>Item #2</b>	<b>COUNCIL APPROVAL OF AGENDA</b>
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M/Garcia, S/Fitzhenry to approve the agenda.

Motion carried 4-0.

<b>Item #3</b>	<b>CONSENT CALENDAR</b>
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- A. Consideration of the approval of a resolution modifying the Health Care Savings Plan for the Mayor and Council Members. S.R. No. 17

RESOLUTION NO. 11177

RESOLUTION AMENDING THE CITY COUNCIL POST  
EMPLOYMENT HEALTH CARE SAVINGS PLAN

This resolution appears as Resolution No. 11177.

- B. Consideration of the approval of a Construction and Maintenance Agreement with Richfield-Bloomington Honda that defines ownership and maintenance responsibilities for certain features constructed at 501 West 77th Street. S.R. No. 18
- C. Consideration of the approval of a revision to Work Order No. 60 from Short Elliott Hendrickson, Inc. (SEH) for engineering services to design the City's sanitary and watermain utilities as part of the 66th Street Reconstruction Project between 16th Avenue and Xerxes Avenue. S.R. No. 19

M/Goettel, S/Elliott to approve the Consent Calendar.

Motion carried 4-0.

<b>Item #4</b>	<b>CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR</b>
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None.

<b>Item #5</b>	<b>CONTINUE PUBLIC HEARING AND CONSIDERATION OF THE SECOND READING OF AN ORDINANCE REGARDING THE GRANTING OF A CABLE COMMUNICATIONS FRANCHISE WITH CENTURYLINK FOR THE CITY OF RICHFIELD AND RESOLUTION APPROVING SUMMARY PUBLICATION OF THE ORDINANCE S.R. NO. 20</b>
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Council Member Elliott presented Staff Report No. 20.

M/Fitzhenry, S/Garcia to close the public hearing.

Motion carried 4-0.

M/Elliott, S/Goettel that this constitutes the second reading of Bill No. 2016-1, granting a franchise to Qwest Broadband Services, Inc., d/b/a CenturyLink to operate and maintain a cable system and provide cable services in the City of Richfield; setting forth conditions accompanying the grant of franchise; providing for city regulation and administration of the cable system and cable services, that it be published in the official newspaper, and that it be made part of these minutes, and that the following resolution be adopted and that they be made part of these minutes:

RESOLUTION NO. 11178

RESOLUTION APPROVING SUMMARY PUBLICATION OF  
AN ORDINANCE GRANTING A CABLE COMMUNICATIONS FRANCHISE  
WITH CENTURYLINK FOR THE CITY OF RICHFIELD

Motion carried 4-0. This resolution appears as Resolution No. 11178.

<b>Items #6</b>	<b>CONSIDERATION OF THE SECOND READING AND RESOLUTION FOR SUMMARY PUBLICATION OF AN ORDINANCE TO ALLOW BEEKEEPING IN THE CITY OF RICHFIELD S.R. NO. 21</b>
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Council Member Garcia presented Staff Report No. 21.

M/Garcia, S/Fitzhenry that this constitutes second reading of Bill no. 2016-2, amending Chapter IX of the Richfield code of ordinances by adding a new section relating to beekeeping and amending zoning provisions relating to the same, that it be published in the official newspaper, and that it be made part of these minutes, and that the following resolution be adopted and that they be made part of these minutes:

RESOLUTION NO. 11179

RESOLUTION APPROVING SUMMARY PUBLICATION OF  
AN ORDINANCE PERTAINING TO BEEKEEPING IN THE CITY OF RICHFIELD

Motion carried 4-0. This resolution appears as Resolution no. 11179,

<b>Items #7</b>	<b>CONSIDERATION OF AGREEMENTS WITH NON-PROFIT ORGANIZATIONS TO PROVIDE SOCIAL SERVICES TO THE CITY OF RICHFIELD AND AUTHORIZATION OF THE CITY MANAGER TO EXECUTE THE AGREEMENTS FOR SERVICES WITH THOSE AGENCIES S.R. NO. 22</b>
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Mayor Goettel presented Staff Report No. 22.

M/Goettel, S/Fitzhenry to approve the agreements with non-profit organizations to provide social services to the City of Richfield and authorization of the City Manager to execute the agreements for services with those agencies.

Motion carried 4-0.

<b>Item #8</b>	<b>CONSIDERATION OF AUTHORIZING A CAPITAL IMPROVEMENT TO UPGRADE THE MUNICIPAL LIQUOR STORE AT 6600 CEDAR AVENUE SOUTH S.R. NO. 23</b>
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Council Member Fitzhenry presented Staff Report No. 23.

M/Fitzhenry, S/Goettel to approve the authorization of a capital improvement to upgrade the Municipal Liquor Store at 6600 Cedar Avenue South.

Council Member Fitzhenry stated the footprint of this store is too old and a new store is needed because of the proposed new developments on the east side. He added the place to the west is for sale so it could be purchased to add land for the store.

Mayor Goettel said a new store was worth reviewing because the City needs to plan for the future.

Council Member Garcia agreed a new store needs to be considered with all the proposed improvements on the east side.

Council Member Elliott stated the upgrade could be done in the same footprint but a new store should be considered.

City Manager Devich explained this item could be tabled to allow time for a cost analysis.

Mike Klass, WOLD Architects, discussed the proposed upgrade.

Motion failed 0-4.

M/Fitzhenry, S/Goettel to table action on this item to a future meeting.

Motion carried 4-0.

<b>Item #9</b>	<b>CONSIDERATION OF THE APPOINTMENTS OF CIT ADVISORY COMMISSIONS S.R. NO. 24</b>
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Mayor Goettel presented Staff Report No. 24. She added there will a mid-year recruitment to fill remaining vacancies.

M/Goettel, S/Garcia to appoint the following persons to the City advisory commissions:

#### **ADVISORY BOARD OF HEALTH**

<u>Name</u>	<u>Term Expires</u>
Derek Eiden	January 31, 2019
Kristine Klos	January 31, 2019
Yesinia Salazar (youth)	August 31, 2016

#### **ARTS COMMISSION**

<u>Name</u>	<u>Term Expires</u>
Alexander Dahl	January 31, 2019
Kidist Kika (youth)	August 31, 2016

**CIVIL SERVICE**

<u>Name</u>	<u>Term Expires</u>
Steven Hurvitz	January 31, 2019

**COMMUNITY SERVICES COMMISSION**

<u>Name</u>	<u>Term Expires</u>
Lisa Rudolph	January 31, 2019
Emma Nollenberger (youth)	August 31, 2016

**FRIENDSHIP CITY COMMISSION**

<u>Name</u>	<u>Term Expires</u>
Ahmad Ansari	January 31, 2019
Rori Coleman-Woods	January 31, 2019
Sharon Hannia Amegee (youth)	August 31, 2016

**HUMAN RIGHTS COMMISSION**

<u>Name</u>	<u>Term Expires</u>
Deborah Eng	January 31, 2019
Logan Schultz	January 31, 2019
Benjamin Sunderlin	January 31, 2019
Jeffrey Wright	January 31, 2019

**PLANNING COMMISSION**

<u>Name</u>	<u>Term Expires</u>
Daniel Kitzberger	January 31, 2019
Susan Rosenberg	January 31, 2019

**TRANSPORTATION COMMISSION**

<u>Name</u>	<u>Term Expires</u>
Ken Severson	January 31, 2019
Tim Carter	January 31, 2019
Gary Ness	January 31, 2019
Jeffrey Walz	January 31, 2018
Brynn Hausz	January 31, 2017

Motion carried 4-0.

<b>Item #10</b>	<b>CITY MANAGER'S REPORT</b>
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None.

<b>Item #11</b>	<b>CLAIMS AND PAYROLLS</b>
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	<ul style="list-style-type: none"> <li><b>MAYOR'S REQUEST FOR FLIGHT REIMBURSEMENT TO CHINA</b></li> </ul>
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M/Fitzhenry, S/Garcia that the following claims and payrolls be approved:

<b>U.S. Bank</b>		<b>01/26/16</b>
A/P Checks: 247025-247343	\$	808,464.98
Payroll: 116095-116415	\$	<u>576,837.83</u>
TOTAL	\$	1,385,302.81

Mayor Goettel stated that she is requesting reimbursement for her flight to China. The government covered all her costs for hotel and transportation and meals. She stated she was sorry this was on the back end instead of the front end of the process. She apologized and added that this trip came up very quickly and she appreciated the City Council's consideration (at a future Claims and Payroll).

Motion carried 4-0.

<b>OPEN FORUM</b>
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None.

<b>Item #12</b>	<b>ADJOURNMENT</b>
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The City Council Meeting was adjourned by unanimous consent at 8:07 p.m.

Date Approved: February 9, 2016

\_\_\_\_\_  
Debbie Goettel  
Mayor

\_\_\_\_\_  
Cheryl Krumholz  
Executive Coordinator

\_\_\_\_\_  
Steven L. Devich  
City Manager



**STAFF REPORT NO. 25**  
**CITY COUNCIL MEETING**  
**2/9/2016**

REPORT PREPARED BY: Jared Voto, Administrative Aide/Analyst

DEPARTMENT DIRECTOR REVIEW: Kristin Asher, Public Works Director  
2/2/2016

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
2/3/2016

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of a resolution supporting dedicated state funding for city streets.**

**EXECUTIVE SUMMARY:**

The League of Minnesota Cities has asked cities to support a resolution for dedicated state funding for city streets. City streets are a separate but integral piece of the network of roads supporting movement of people and goods and cities need greater resources and flexible policies in order to meet growing demands for street improvements and maintenance.

**RECOMMENDED ACTION:**

**By Motion: Adopt a resolution supporting dedicated state funding for city streets including funding that can be used for non-MSA city street maintenance, construction, and reconstruction.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- The League of Minnesota Cities supports:
  - a) A dedicated and sustainable state funding source for non-MSA city streets in large and small cities statewide;
  - b) enabling legislation that would allow cities to create street improvement districts (similar to sidewalk improvement districts already allowed under Minn. Stat. § 435.44);
  - c) and the creation of a new fund within the Local Road Improvement Program that would provide grants to cities burdened by cost participation requirements related to trunk highway and county state-aid projects.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

- Additional funding for non-MSA city streets would help accomplish the City's Comprehensive Plan goal of improving the flow of traffic in the city (Transportation 6-4) primarily by providing additional funds to help reach cost-participation requirements on county state-aid roads.

**C. CRITICAL TIMING ISSUES:**

- This resolution would be shared with local legislators at our meeting on February 11.

**D. FINANCIAL IMPACT:**

- There is no financial impact to the City in support of the resolution.

E. **LEGAL CONSIDERATION:**

- The City Attorney will be available to answer questions.

**ALTERNATIVE RECOMMENDATION(S):**

- The Council may choose not to adopt the resolution.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None.

**ATTACHMENTS:**

Description	Type
☐ Resolution	Resolution Letter



## **RESOLUTION NO.**

### **RESOLUTION SUPPORTING DEDICATED STATE FUNDING FOR CITY STREETS**

**WHEREAS**, Minnesota contains over 141,000 miles of roadway, and over 19,000 miles –or 13 percent– are owned and maintained by Minnesota’s 853 cities; and

**WHEREAS**, over 80 percent of municipal streets are ineligible for dedicated Highway User Tax Distribution Fund dollars; and

**WHEREAS**, city streets are a separate but integral piece of the network of roads supporting movement of people and goods; and

**WHEREAS**, existing funding mechanisms, such as Municipal State Aid (MSA), property taxes and special assessments, have limited applications, leaving cities under-equipped to address growing needs; and

**WHEREAS**, city cost participation in state and county highway projects diverts resources for city-owned streets; and

**WHEREAS**, maintenance costs increase as road systems age, and no city –large or small– is spending enough on roadway capital improvements to maintain a 50-year lifecycle; and

**WHEREAS**, for every dollar spent on maintenance, a road authority –and therefore taxpayers– save seven dollars in repairs; and

**WHEREAS**, cities need greater resources, including an additional dedicated state funding source for transportation, and flexible policies in order to meet growing demands for street improvements and maintenance.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Richfield, Minnesota, that the City Council of the City of Richfield supports an omnibus transportation funding bill that provides additional dedicated state funding for city streets including funding that can be used for non-MSA city street maintenance, construction, and reconstruction.

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of February, 2016.

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Debbie Goettel, Mayor

ATTEST:

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Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 26**  
**CITY COUNCIL MEETING**  
**2/9/2016**

REPORT PREPARED BY: Melissa Poehlman, City Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director  
2/3/2016

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
2/3/2016

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of the first reading of amendments to the City's Zoning Ordinance. The proposed ordinance would update day care facility allowances in all residential districts, such that Richfield's regulations are in agreement with those of the State.**

**EXECUTIVE SUMMARY:**

State law requires that cities allow certain types of day care facilities as "permitted" uses in residential districts. In 2015, City staff discovered that current Richfield regulations related to day care facilities conflict with State regulations. Specific issues and proposed changes to the Ordinance are as follows:

- Incorrect definition of "group family day care."
  - Proposal: Remove definition; distinction is not important at a local, non-licensing level.
- Incorrect capacity limitations.
  - Proposal: Correct upper threshold limit and remove distinctions related to particular types of licenses.
- Caregiver requirements when more than 12 children are present.
  - Proposal: State regulations require an additional caregiver when more than 12 children are present. An allowance for one nonresident employee has been added so as to not conflict with the City's general home occupation regulations.

**RECOMMENDED ACTION:**

**By Motion: Approve a first reading of the ordinance amending day care facility regulations in all residential districts.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

N/A

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

City staff continually monitor and note areas of the Zoning Code that may require review or updating. The following is a more thorough discussion of the proposed revisions and corrections to the day care facility regulations.

- Definition of "group family day care."
  - Richfield's Ordinance states that "group family day care" differs from "family day care" only in that in the former, the children of the caregiver are included in the total number of children allowed.
  - Under State rules, "group family day care" and "family day care" are two separate categories of licensure. Children of a caregiver are included in licensed capacity limitations when present in either case. At a State level, the difference is in the overall allowable capacity, which is 10 children under a "family day care" license and 14 children under a "group family day care" license.
  - State law requires that both "family" and "group family" day care facilities be classified as "permitted" uses in residential districts. The difference between the two is not important at a local level, therefore staff proposes to remove all references to "group family day care."
- Capacity allowances.
  - As mentioned above, the type of license issued determines allowable capacity. Given that both types of day care are required to be permitted uses in the residential districts, distinctions within the Richfield Code are unnecessary, confusing, and currently incorrect. The proposed Ordinance is simplified to allow State-licensed day facilities serving 14 or fewer children, the upper limit allowed by the State. Enforcement of specific license requirements should be handled by the licensing body, not the City.
- Caregiver requirements.
  - State licensing requires an additional caregiver when more than 12 children are present at a day care facility. Richfield currently allows one nonresident employee, but only through the issuance of a conditional use permit. Staff proposes an exemption from the conditional use permit process for day care facilities in order to remove the conflict with State requirements.

**C. CRITICAL TIMING ISSUES:**

None.

**D. FINANCIAL IMPACT:**

None

**E. LEGAL CONSIDERATION:**

- A public hearing was held before the Planning Commission on January 25, 2016.
- Notice of the public hearing was published in the Sun Current newspaper in accordance with State and Local requirements. No members of the public spoke.
- The Planning Commission recommended approval of the proposed amendment (7-0).
- If this reading is approved, a second reading of the proposed ordinance will be held on February 23, 2016.

**ALTERNATIVE RECOMMENDATION(S):**

None

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

**ATTACHMENTS:**

Description	Type
□ Ordinance	Ordinance

BILL NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE RICHFIELD CITY CODE TO  
UPDATE DAY CARE REGULATIONS**

**THE CITY OF RICHFIELD DOES ORDAIN:**

- Section 1            Subsection 507.07, Subdivision 30 of the Richfield City Code defining “group family day care” is repealed.
- Subd. 30.** ~~“Day care, group family.” Day care that includes the children of the caregiver.~~
- Section 2            Subsection 514.03, Subdivision 3 of the Richfield City Code relating to allowable permitted uses in the Single-Family Residential (R) District is amended to read as follows:
- Subd. 3.** ~~State-licensed day care facility serving 12 or fewer persons, or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving 14 or fewer children. Care facilities located within the R District shall be subject to the same zoning regulations as single-family dwellings in the R District, except that one nonresident employee shall be permitted in accordance with State requirements.~~
- Section 3            Subsection 518.03, Subdivision 3 of the Richfield City Code relating to allowable permitted uses in the Low-Density Single-Family Residential (R-1) District is amended to read as follows:
- Subd. 3.** ~~State-licensed day care facility serving 12 or fewer persons, or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving 14 or fewer children. Care facilities located within the R-1 District shall be subject to the same zoning regulations as single-family dwellings in the R-1 District, except that one nonresident employee shall be permitted in accordance with State requirements.~~
- Section 4            Subsection 522.03, Subdivision 4 of the Richfield City Code relating to allowable permitted uses in the Two-Family Residential (MR-1) District is amended to read as follows:
- Subd. 4.** ~~State-licensed day care facility serving 12 or fewer persons, or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving 14 or fewer children. Care facilities located within the MR-1 District shall be subject to the same zoning regulations as two-family dwellings in the MR-1 District, except that one~~

nonresident employee shall be permitted in accordance with State requirements.

Section 5 Subsection 525.03, Subdivision 3 of the Richfield City Code relating to allowable permitted uses in the Multi-Family Residential (MR-2) District is amended to read as follows:

**Subd. 3.** State-licensed day care facility serving ~~12 or fewer persons, or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving 14 or fewer children.~~ Care facilities located within the MR-2 District shall be subject to the same zoning regulations as multifamily dwellings in the MR-2 District, except that one nonresident employee shall be permitted in accordance with State requirements.

Section 6 Subsection 527.03, Subdivision 3 of the Richfield City Code relating to allowable permitted uses in the High-Density Residential (MR-3) District is amended to read as follows:

**Subd. 3.** State-licensed day care facility serving ~~12 or fewer persons, or a group family day care facility licensed under Minnesota Rules, parts 9502.0315 to 9502.0445, serving 14 or fewer children.~~ Care facilities located within the MR-3 District shall be subject to the same zoning regulations as multifamily dwellings in the MR-3 District, except that one nonresident employee shall be permitted in accordance with State requirements.

Section 7 This Ordinance is effective in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Debbie Goettel, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth VanHoose, City Clerk



**STAFF REPORT NO. 27**  
**CITY COUNCIL MEETING**  
**2/9/2016**

REPORT PREPARED BY: Melissa Poehlman, City Planner

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director  
2/3/2016

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
2/3/2016

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of a resolution granting a conditional use permit to reconstruct and expand a legally nonconforming accessory structure at Mother Duck Learning Center (6341 Penn Avenue).**

**EXECUTIVE SUMMARY:**

Mother Duck Learning Center has been a successful Richfield business since 1994. The day care business now operates at two Penn Avenue locations (6301 and 6341) and is looking to expand again by reconstructing and expanding an existing storage building. The legally nonconforming building sits behind 6341 Penn Avenue and would be reconstructed as additional classroom space.

The Mixed Use Districts do not allow accessory structures; the existing building is legally nonconforming. State law requires that cities allow replacement of legally nonconforming structures. There is a provision in the City's Mixed Use District regulations that allows for the expansion of existing nonconforming buildings via the approval of a conditional use permit. Rather than have applicants go through a two-step process to 1) replace the existing building, and then 2) apply for a permit to expand the building, the City has typically allowed a replacement with expansion so long as conditional use permit requirements are met.

The proposed building will replace the existing storage building and extend an additional 10 feet to the north. The area in which the additional space will be constructed is currently asphalt; there will be no impact on the landscaping or buffer yard area. The new building will include windows, a more traditional roof (not shown on plans), and generally be more attractive from all four sides. While construction of an addition to the main building could add the same amount of square footage and remove the nonconforming structure, the relocation of a number of existing utilities which serve both this property and others, is cost prohibitive. Staff and the Planning Commission support (7-0) the proposal.

**RECOMMENDED ACTION:**

**By Motion: Approve a resolution granting a conditional use permit allowing construction of a new, expanded accessory structure of 6341 Penn Avenue.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

None

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

There are a number of different review criteria that apply to this proposal. A full discussion of all requirements has been included as an attachment to this report.

**Expansion of Bulk Nonconformities**

There are seven specific criteria that must be met in order to expand a legally nonconforming structure.

Essentially, the project must attempt to meet the Code requirements in as many ways as possible, it cannot negatively impact the surrounding area, nor can it impede the future implementation of the Comprehensive Plan. It is the opinion of staff that the required criteria are met.

**Conditional Use Permit**

There are eight specific criteria for the issuance of a conditional use permit. These criteria primarily address whether or not a proposal is consistent with the goals of the City's Comprehensive Plan and Zoning Code, as well as the general regulations of the District in which it is located. The Mixed Use designations of the Comprehensive Plan and Zoning Code accommodate a wide variety of uses of which day care facilities are one. The proposed building reconstruction will improve the look of the site, especially from the Oliver Avenue (east) side. It is the opinion of staff that these criteria are also met.

**Performance Standards**

As part of previous approvals, a landscape plan that included parking lot screening along Oliver Avenue and the north side of the property was approved. Staff and the applicant have discussed replacement of these plantings, and this is listed as a stipulation in the attached resolution. Parking to accommodate additional capacity is available and the proposed building will meet architectural performance standards.

**C. CRITICAL TIMING ISSUES:**

- **60-DAY RULE:** The 60-day clock 'started' when a complete application was received on January 6, 2016. A decision is required by *March 6, 2016* OR the Council must notify the applicant that it is extending the deadline (up to a maximum of 60 additional days or 120 days total) for issuing a decision.
- The applicant has requested permission to begin demolition and foundation work prior to final approval by the City Council. This has been permitted at the applicant's own risk.

**D. FINANCIAL IMPACT:**

The required processing fee has been paid.

**E. LEGAL CONSIDERATION:**

- A public hearing was held before the Planning Commission on January 25, 2016 .
- Notice of the public hearing was published in the Sun Current newspaper and mailed to properties within 350 feet of the site.
- No members of the public spoke before the Planning Commission.
- The Planning Commission recommended approval of the request (7-0).

**ALTERNATIVE RECOMMENDATION(S):**

- Approve the attached resolution with modifications.
- Deny the requests with findings that requirements are not met.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

Mr. & Mrs. Moin, applicants

**ATTACHMENTS:**

Description	Type
□ Resolution	Resolution Letter
□ Required Findings	Backup Material
□ Proposed plans	Exhibit





**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION GRANTING APPROVAL  
OF A CONDITIONAL USE PERMIT  
FOR THE EXPANSION OF A NONCONFORMING BUILDING  
AT  
6341 PENN AVENUE**

**WHEREAS**, an application has been filed with the City of Richfield which requests approval of conditional use permit to expand a legally nonconforming accessory structure on the parcel of land located at 6341 Penn Avenue (the "Property"), legally described as:

The north 65 feet of the south 165 feet of the west one-quarter of the northwest one-quarter of the northwest one-quarter of Section 28, Township 28, Range 24, Hennepin County, Minnesota, except roads.

**WHEREAS**, the requested conditional use permit meets the requirements necessary for issuing a conditional use permit for the expansion of a nonconforming building in the Mixed Use Districts as specified in Richfield City Code Subsection 537.13, Subd. 2 and as detailed in City Council Staff Report No. \_\_\_\_\_; and

**WHEREAS**, the requested conditional use permit meets the requirements necessary for all conditional use permits in the City as specified in Richfield City Code Subsection 547.09, Subd. 6 and as detailed in City Council Staff Report No. \_\_\_\_\_; and

**WHEREAS**, the Planning Commission of the City of Richfield held a public hearing and recommended approval of the requested conditional use permit at its January 25, 2016 meeting; and

**WHEREAS**, notice of the public hearing was published in the Sun-Current and mailed to properties within 350 feet of the subject property on January 12, 2016; and

**WHEREAS**, the City has fully considered the request for approval for the conditional use permit; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Richfield, Minnesota, as follows:

1. A conditional use permit is issued to allow replacement and expansion of an accessory structure, as described in City Council Letter No. \_\_\_\_\_, on the Subject Property legally described above.
2. This conditional use permit is subject to the following conditions in addition to those specified in Subsections 537.13, Subd. 2 and Subsection 547.09, Subd. 6 of the City's Zoning Ordinance:
  - All required parking must be accessible and clear of snow year-round;
  - Any property changes including lighting, utilities, landscaping, etc. must be approved by the City and comply with Code requirements;
  - Landscaping in accordance with plans approved on December 11, 2012 and is required;
  - A Boulevard Feature Permit is required prior to the installation of any plant materials in the public right-of-way;

- Sign permits must be applied for separately. This approval does not constitute approval of any signs. Portable signs are prohibited;
  - The applicant must comply with all requirements of the City's Administrative Review Committee Report dated December 17, 2015;
  - That the recipient of this conditional use permit record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 547.08, Subd. 8.
  - Prior to the issuance of an occupancy permit, the applicant shall submit a copy of the recorded conditional use permit;
  - Prior to the issuance of an occupancy permit, the applicant shall submit a surety equal to 125% of the value of any improvements (based on two bids including labor cost) not yet complete.
3. This conditional use permit shall expire one year after it has been issued unless 1) the use for which the permit was granted has commenced; or 2) Building permits have been issued and substantial work performed; or 3) Upon written request of the applicant, the Council extends the expiration date for an additional period not to exceed one year. Expiration is governed by the City Zoning Ordinance, Section 547.09, Subdivision 9.
4. This conditional use permit shall remain in effect for so long as conditions regulating it are observed, and the conditional use permit shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the City's Zoning Ordinance, Section 547.09, Subd. 10.

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of February, 2016.

---

Debbie Goettel, Mayor

ATTEST:

---

Elizabeth VanHoose, City Clerk

## Code Requirements / Required Findings

**Part 1 – Expansion of Dimensional or Bulk Nonconformities:** Legally nonconforming buildings existing prior to February 19, 2006 that do not meet dimensional or bulk standards of the Mixed Use Zoning District may be expanded through the issuance of a conditional use permit. Expansion or modification of a legally nonconforming building shall: (537.13, Subd. 2):

1. *Not increase the overall, site-wide degree of nonconformity.* This requirement is met.
2. *Demonstrate that zoning and Comprehensive Plan requirements are met to the greatest degree practical. These requirements include, but are not limited to: parking, landscaping, architectural design and façade treatment, and site design.* With the exception of the fact that the remodeled building is a separate, accessory structure, all other Code requirements shall be met upon replacement of required landscaping.
3. *Off-set departures from zoning and Comprehensive Plan requirements through superior design and/or additional community/site amenities.* The proposed project will improve the site by improving replacing the nonconforming building with a structure that meets the City's architectural requirements. This will especially improve site aesthetics on the Oliver side of this through-lot.
4. *Not significantly impede implementation of goals and policies of the Comprehensive Plan.* No impact is anticipated.
5. *Not have undue adverse impacts on neighboring residential properties.* No major impact is anticipated. A slight increase in traffic may be seen with increased capacity (up to 20 additional children could be accommodated).
6. *Not have undue adverse impacts on governmental facilities, utilities, services or existing or proposed improvements.* No undue adverse impacts are anticipated.
7. *Not have undue adverse impacts on the public health, safety or welfare.* No undue adverse impacts are anticipated.

**Part 2 – Conditional Use Permit:** The findings necessary to issue a Conditional Use Permit (CUP) are as follows (547.09, Subd. 6):

1. *The proposed use is consistent with the goals, policies, and objectives of the City's Comprehensive Plan.* The proposed use of the property is consistent with the guiding "Mixed Use" designation. The Comprehensive Plan identifies a number of goals and policies related to economic development and support for business and employment growth. The proposal is consistent with these goals and policies.
2. *The proposed use is consistent with the purposes of the Zoning Code and the purposes of the zoning district in which the applicant intends to locate the proposed use.* The purpose of the Zoning Code is to protect and promote the

public health, safety, comfort, aesthetics, economic viability, and general welfare of the City. The purposes of the Mixed Use and Penn Avenue Overlay Districts are to allow a wide variety of commercial, office and residential businesses that support the surrounding community. The Districts emphasize pedestrian-friendly sites and pedestrian-scale development in order to create a cohesive neighborhood. The proposal is consistent with these purposes.

3. *The proposed use is consistent with any officially adopted redevelopment plans or urban design guidelines.* The proposed use improves over-all site compliance with Penn Avenue Design Guidelines.

4. *The proposed use is or will be in compliance with the performance standards specified in Section 544 of this code.* The applicant shall install landscaping in order to comply with performance standards. Other requirements are or will be met.

5. *The proposed use will not have undue adverse impacts on governmental facilities, utilities, services, or existing or proposed improvements.* No undue adverse impacts are anticipated.

6. *The use will not have undue adverse impacts on the public health, safety, or welfare.* No undue adverse impacts are anticipated.

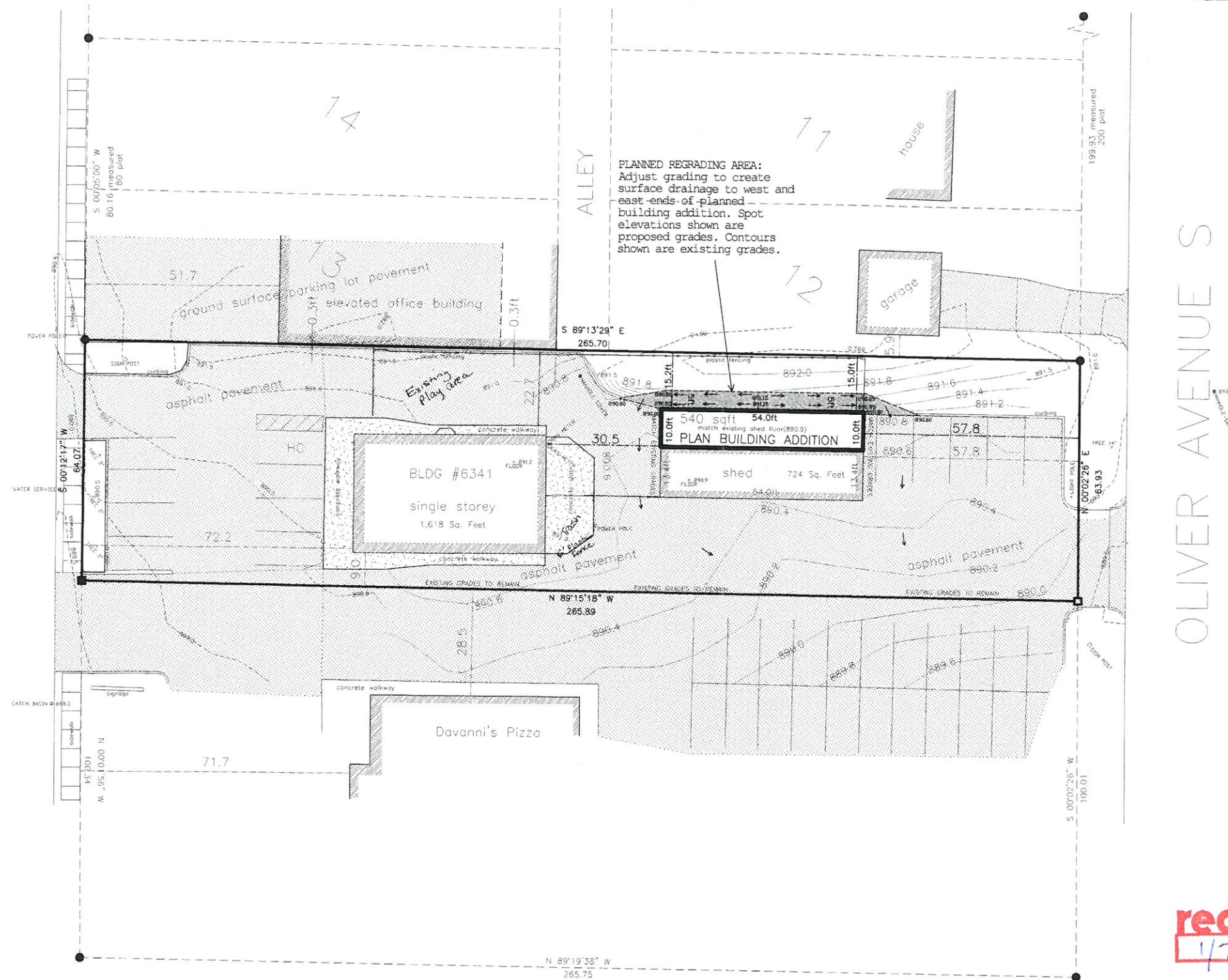
7. *There is a public need for such use at the proposed location.* Investment and improvement of properties and local businesses is encouraged and necessary in order to maintain a healthy community.

8. *The proposed use meets or will meet all the specific conditions set by this code for the granting of such conditional use permit.* This requirement is met.



PENN AVENUE S

OLIVER AVENUE S



#### NOTES

- 1) Property contains 17,008 square feet area.
- 2) Elevations are according to City of Richfield benchmark; top nut hydrant on west side of Penn Avenue at 63th Street W. Elevation is 896.86 ft.
- 3) Land markers found or set in the ground during this survey.

- Iron pipe land mark found in ground (unless noted otherwise).
- Iron rod land mark set in ground. Top is a plastic cap inscribed RLS 23266.
- PK survey nail set in pavement.
- PK survey nail found in pavement.

#### IMPERVIOUS SURFACES (sq.ft)

AREA	PERCENT	ITEM
17,008	100	lot
14,604	86	plan features
2404	14	impervious surface
14,604	86	existing features
2404	14	impervious surface
		pervious surface

#### LEGAL DESCRIPTION

The north 65 feet of the south 165 feet of the west quarter of the northwest quarter of the northwest quarter of section 28, Township 28, Range 24, Hennepin County, Minnesota. Except Roads.

According to the Hennepin County tax department record.

All easements of record or unrecorded, if any, are not shown herein.

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE: *James Brüll* DATE: 12/16/2015  
NAME: JAMES MICHAEL BRÜLL, P.L.S.  
PROFESSIONAL LAND SURVEYOR, MINNESOTA LICENSE NO. 23268  
FIRM NAME: STATE ENGINEERING AND SURVEYING COMPANY

Certification is limited to this site plan for a building addition. This site plan map is generally according to our job file map no. 2012188. Map no. 2012188 is an existing conditions survey map from the year 2012 for this site. The current existing conditions at this site are the same existing conditions shown on map no. 2012188. The land description shown here is according to the county tax record description, and it is the description given on map no. 2012188. This certification may be revised to reflect any new information offered from a professional abstractor's report, title opinion, or title insurance policy. Excluded from this survey are all easements, if any exist, affecting this or appurtenant properties, except for those easements shown here, if any.

Certification is hereby revoked and void for unauthorized copies. If this document is in possession of other parties, not the customer and not the customer's approved parties, the certification is revoked and void. Do not rely on unauthorized copies; these may be fraudulent, incorrect, erroneous, misleading, or omitting relevant information. This document is copyrighted and intended for a specific use (new garage construction) during a specific time period (construction period) and not beyond for purposes other than stated herein.

5709 McGuire Road  
Edina, Minnesota 55439  
952-854-9002  
State Engineering & Surveying Inc  
www.state-engineering.com

#### SITE PLAN - BUILDING ADDITION

Revision No/Issue Date

Survey prepared for:

FARHAD & MICHELE MOIN  
9780 BROOKVIEW CIRCLE  
EDEN PRAIRIE, MN 55347

Site address

6341 Penn Avenue South  
Richfield, MN

JOB NO 2015352

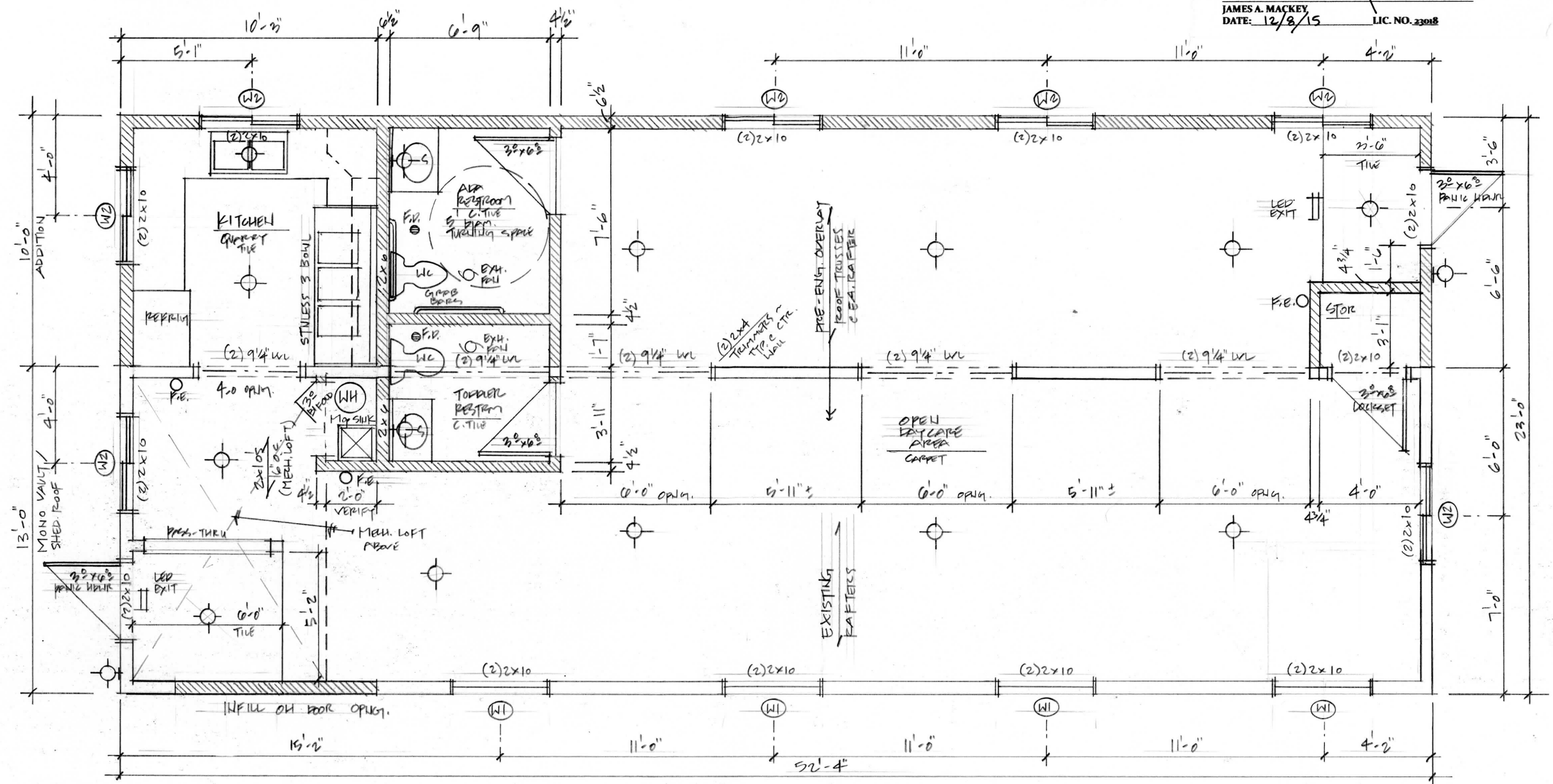


**Larson**  
 Larson Specialty Structures Inc.  
 5531 Hope Lane  
 White Bear Lake, Minnesota 55110  
 651 429 5143 Fax: 651 429 6781  
 www.mldrad1@comcast.net

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.  
 Print Name: Wagner C. Larson  
 Signature: [Signature]  
 Date: 12-8-15 License # 7831

**JIM MACKAY ARCHITECT**  
 1723 LAFOND AVENUE, SAINT PAUL, MN 55104  
 PHONE/FAX (651) 644-0869  
 E-MAIL jim.mack@q.com

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.  
James A. Mackay  
**JAMES A. MACKAY**  
 DATE: 12/8/15 LIC. NO. 23018



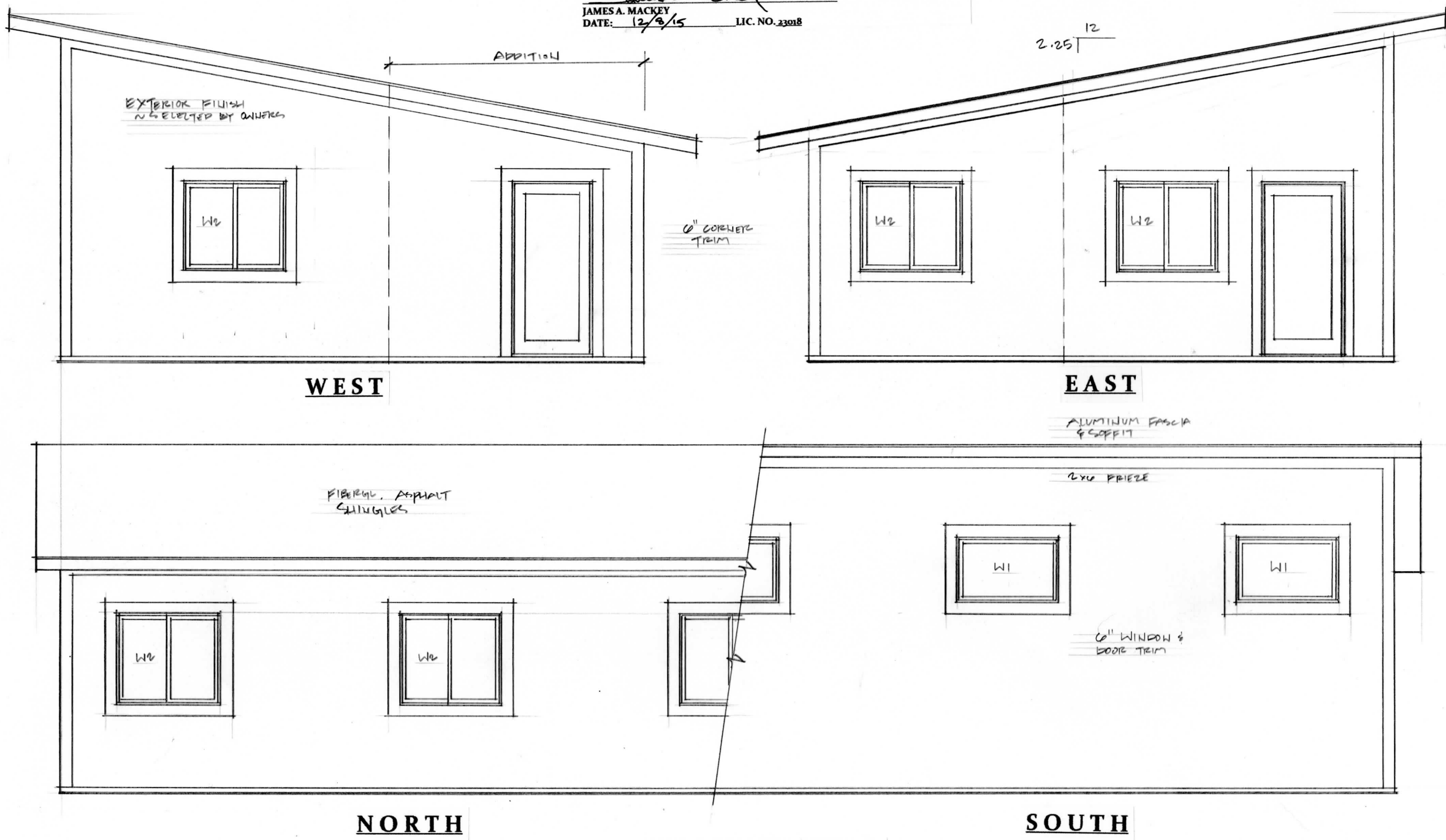
**REMODELING/ADDITION PLAN**  
 1/4" = 1'-0"

**MOTHER DUCK LEARNING CENTER**  
 ADDITION & REMODELING TO EXISTING OUTBUILDING  
 6341 PENN AVENUE, MINNEAPOLIS, MN

**JIM MACKAY ARCHITECT**  
 1723 LAFOND AVENUE, SAINT PAUL, MN 55104  
 PHONE/FAX (651) 644-0869  
 E-MAIL jim.mack@q.com

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS  
 PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I  
 AM A DULY LICENSED ARCHITECT UNDER THE LAWS OF THE STATE  
 OF MINNESOTA.

*James A. Mackay*  
**JAMES A. MACKAY**  
 DATE: 12/3/15 LIC. NO. 23018

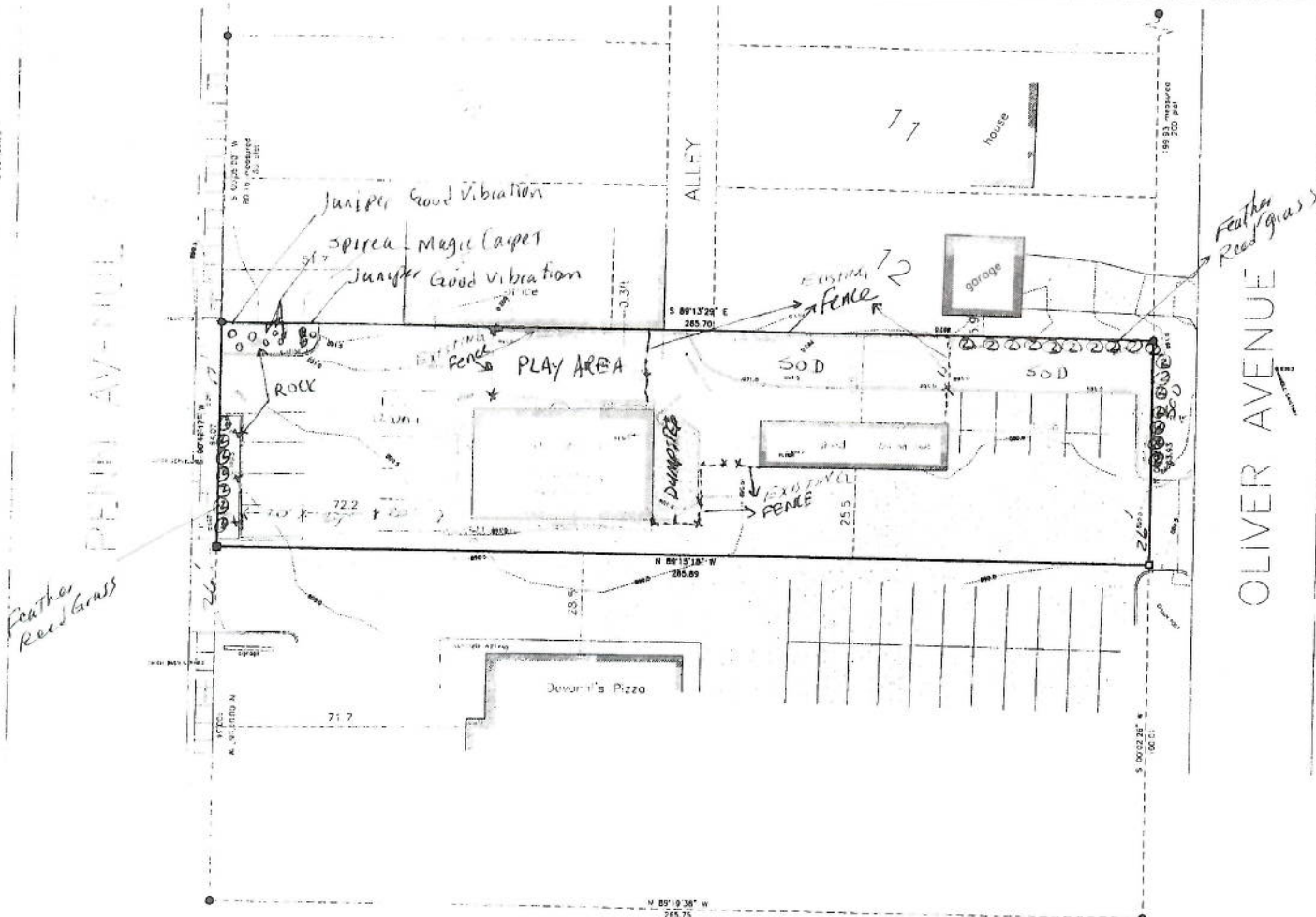


**EXTERIOR ELEVATIONS**

1/4" = 1'-0"

**MOTHER DUCK LEARNING CENTER**  
 ADDITION & REMODELING TO EXISTING OUTBUILDING  
 6341 PENN AVENUE, MINNEAPOLIS, MN

Approved 12/2012



**State Engineering & Surveying Inc.**  
 6933 Oak Glen Road  
 Eden, Minnesota 55439  
 952-934-8039  
 www.state-engineering.com

# LAND SURVEY

## Property Boundaries & Site Conditions

Survey map prepared for:  
**FARHAD & MICHELE MOIN**  
 9780 BROOKVIEW CIRCLE  
 EDEN PRAIRIE, MN 55347

Site address  
**6341 Penn Avenue South**  
**Richfield, MN**

Rev No: 2012/08 Sheet 1 of 1

### NOTES

1. Property owners: F&M Moin
2. The survey was conducted on 12/11/12. The survey was conducted by State Engineering & Surveying Inc. The survey was conducted by State Engineering & Surveying Inc. The survey was conducted by State Engineering & Surveying Inc.
3. The survey was conducted by State Engineering & Surveying Inc. The survey was conducted by State Engineering & Surveying Inc. The survey was conducted by State Engineering & Surveying Inc.
4. The survey was conducted by State Engineering & Surveying Inc. The survey was conducted by State Engineering & Surveying Inc. The survey was conducted by State Engineering & Surveying Inc.
5. The survey was conducted by State Engineering & Surveying Inc. The survey was conducted by State Engineering & Surveying Inc. The survey was conducted by State Engineering & Surveying Inc.

### IMPERVIOUS SURFACES (sq ft)

ASCS	INT	DEM
11,004	100	100
11,004	100	100

### LEGAL DESCRIPTION

The north 65 feet of the south 185 feet of the west quarter of the northwest quarter of the northwest quarter of section 24, Township 28, Range 24, Hennepin County, Minnesota. Except Roads.

According to the Hennepin County tax department record.

All easements of record or otherwise, if any, are not shown herein.

### SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A FULLY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA.

NAME: JAMES MICHAEL BRIDGES, PLS  
 SIGNATURE: *James Michael Bridges* DATE: 8-28-2012  
 Professional Land Surveyor, Minnesota License No. 23298  
 Firm Name: State Engineering & Surveying Inc.

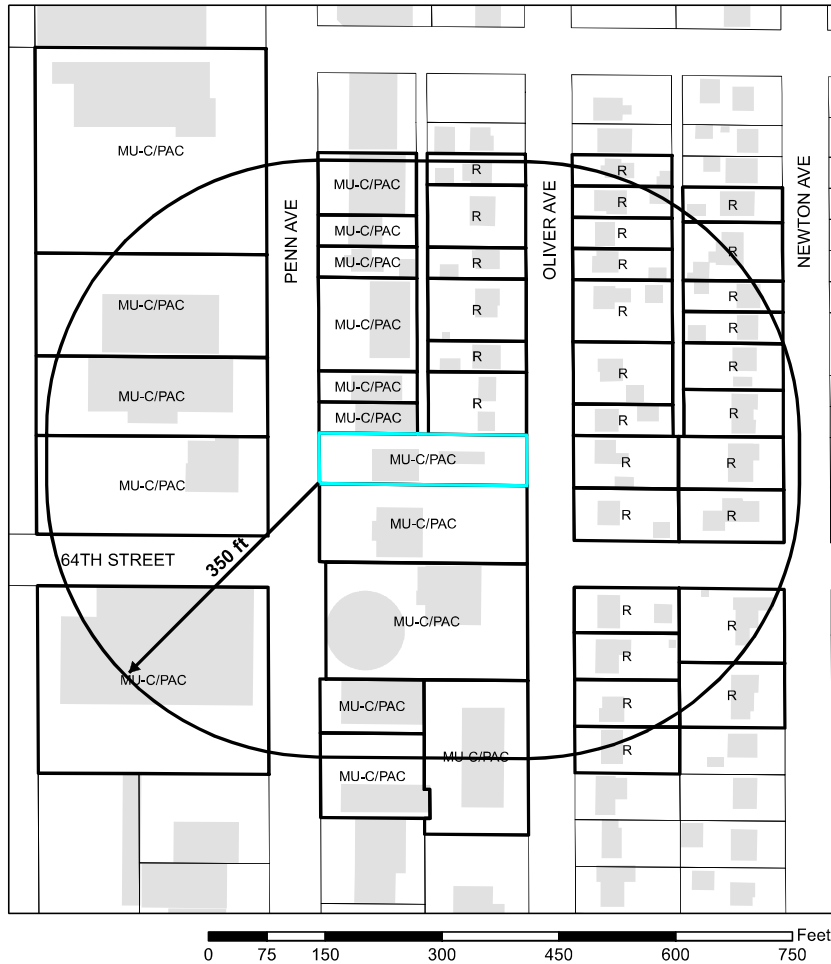
This certification is limited to reflecting property boundaries and mapping current site conditions.

The signature and certification are hereby rendered as evidence that the undersigned is duly qualified to perform the duties of a land surveyor and that the undersigned is duly qualified to perform the duties of a land surveyor and that the undersigned is duly qualified to perform the duties of a land surveyor.



# 6341 Penn Ave - CUP 1/2016

## Surrounding Zoning



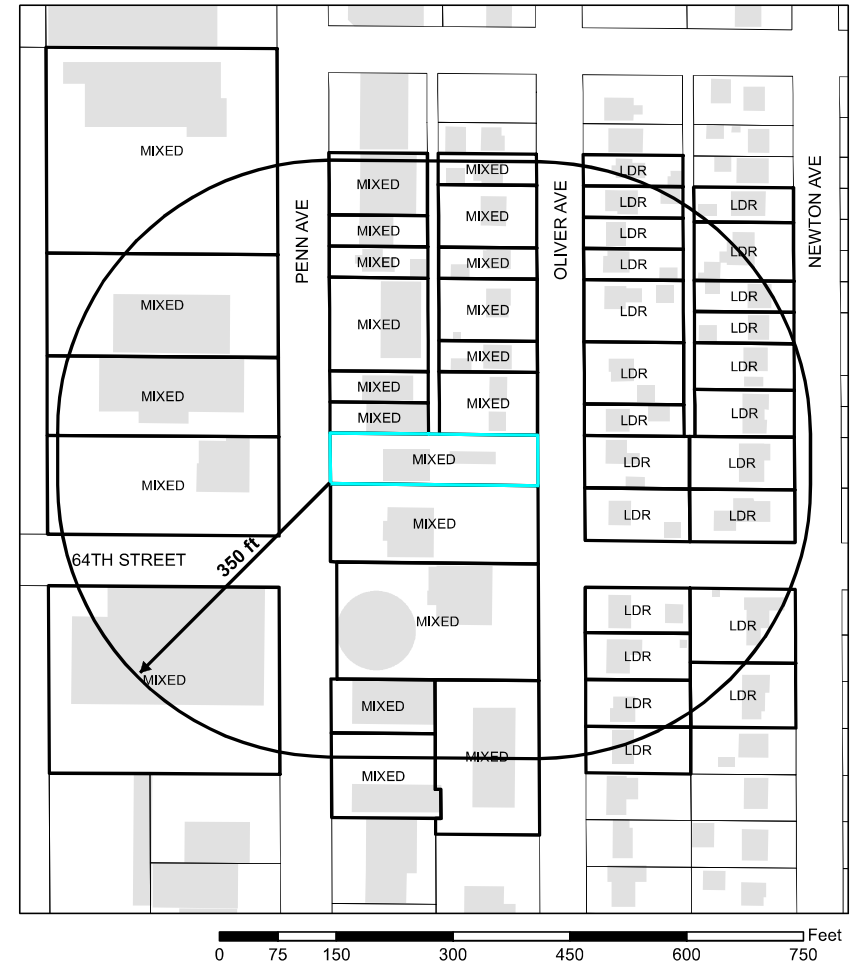
MU-C/PAC - Mixed-Use Community/Penn Avenue Corridor  
R - Single Family Residential



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# 6341 Penn Ave - CUP 1/2016

## Surrounding Comprehensive Plan



MIXED - Mixed Use  
LDR - Low Density Residential



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**STAFF REPORT NO. 28**  
**CITY COUNCIL MEETING**  
**2/9/2016**

REPORT PREPARED BY: John Stark, Community Development Director

DEPARTMENT DIRECTOR REVIEW: John Stark, Community Development Director  
2/3/2016

OTHER DEPARTMENT REVIEW: N/A

CITY MANAGER REVIEW: Steven L. Devich  
2/3/2016

**ITEM FOR COUNCIL CONSIDERATION:**

**Consideration of the approval of a first reading of an ordinance authorizing the conveyance of property owned by the City of Richfield to the Richfield Housing and Redevelopment Authority.**

**EXECUTIVE SUMMARY:**

One of the primary purposes of a City's Housing and Redevelopment Authority (HRA) is to purchase and sell properties for redevelopment purposes. State statutes have established a more streamlined process for HRAs to act in this capacity.

For these reasons, and based on the advice of HRA Legal Counsel, the City had conveyed 36 properties it owned for redevelopment to the Richfield HRA in December 2015.

At that time, however, two properties were inadvertently omitted. They are a 30 foot strip of easement at the former City garage site and 6315 16th Avenue South, located in the Cedar Corridor. Staff is recommending the conveyance of these properties to the HRA.

The conveyance of the properties would result in a one-time expenditure (in the book value of the properties) to City accounts and commensurate revenue to HRA accounts. This transaction would be reflected in the 2016 financial reports for both the City and HRA.

**RECOMMENDED ACTION:**

**By motion: Approve a first reading of an ordinance authorizing the conveyance of property owned by the City of Richfield to the Richfield Housing and Redevelopment Authority.**

**BASIS OF RECOMMENDATION:**

**A. HISTORICAL CONTEXT**

- Staff provided City Council members with a memo (Council Memorandum No. 28) on April 23, 2015 in which this action was recommended.
- At its worksession on April 28, 2015, City Council members discussed this topic and directed staff to draft an ordinance for formal consideration.

**B. POLICIES (resolutions, ordinances, regulations, statutes, etc):**

- State statutes prescribe a process allowing a City's Housing and Redevelopment Authority (HRA) to purchase and sell properties for redevelopment purposes.

**C. CRITICAL TIMING ISSUES:**

- If approved, the second reading of this ordinance will be scheduled for February 23, 2016.

**D. FINANCIAL IMPACT:**

- The conveyance of the properties would result in a one-time expenditure (in the book value of the properties) to City accounts and commensurate revenue to HRA accounts. This transaction would be reflected in the 2016 financial reports for both the City and HRA.

**E. LEGAL CONSIDERATION:**

- The Ordinance was drafted by Julie Eddington, HRA legal counsel.

**ALTERNATIVE RECOMMENDATION(S):**

- Delay consideration of a First Reading in order to obtain further information about the impacts or benefits of transferring the properties to the HRA.
- Deny approval of a First Reading and allow the subject properties to remain under the ownership of the City.

**PRINCIPAL PARTIES EXPECTED AT MEETING:**

None.

**ATTACHMENTS:**

Description	Type
☐ Ordinance	Ordinance
☐ Attorney Opinion re: Ownership Benefits	Cover Memo

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF  
PROPERTY OWNED BY THE CITY

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1. Background; findings; authority.

- 1.01. The City of Richfield, Minnesota (the “City”) is governed by a home rule charter adopted pursuant to the Constitution of the State of Minnesota and Minnesota Statutes, Chapter 410.
- 1.02. The City is the owner of two parcels of real property located in the City, as described in the attached Exhibit A (the “City Property”) and legally described as shown therein.
- 1.03. It has been proposed that the City convey the City Property to the Housing and Redevelopment Authority in and for the City of Richfield, Minnesota (“HRA”) for the purpose of future redevelopment. Pursuant to Section 13.04 of the City’s Charter, no real property of the City shall be disposed of except by ordinance.
- 1.04. Pursuant to Minnesota Statutes, Chapter 462.356, it has been determined that the proposed disposal of property has no relationship to the comprehensive plan.
- 1.05. The Council finds and determines that it is in the best interests of the City to convey the City Property to the HRA for the purpose of redevelopment.

Section. 2 Adoption; effective date; filing.

- 2.01. The conveyance of the City Property to the HRA is approved. The Mayor and the City Manager are authorized and directed to convey the City Property to the HRA and take all steps necessary to effect such conveyance.
- 2.02. This Ordinance shall take effect after the thirtieth (30<sup>th</sup>) day, exclusive of day of publication.

Passed by the City Council of the City of Richfield, Minnesota this \_\_\_\_ day of \_\_\_\_\_,  
2016.

---

Debbie Goettel, Mayor

ATTEST:

---

Beth VanHoose, City Clerk

## **EXHIBIT A**

City of Richfield properties to be conveyed to Richfield HRA

Parcel 1

Lot 3, Block 1, “Iverson’s Second Addition”, Hennepin County, Minnesota

Parcel 2

The West 30 feet of Lot 1, Block 4, “R.C. Soens Addition”, Hennepin County, Minnesota

**Kennedy**

&

**Graven**

CHARTERED

470 US Bank Plaza  
200 South Sixth Street  
Minneapolis MN 55402

(612) 337-9300 telephone  
(612) 337-9310 fax  
<http://www.kennedy-graven.com>

## **MEMORANDUM**

**TO:** John Stark  
Community Development Director  
City of Richfield

**FROM:** Julie Eddington

**DATE:** April 22, 2015

**RE:** HRA Holding Property for Future Redevelopment

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### **BACKGROUND**

The City of Richfield (the “City”) is considering conveying property it currently holds for redevelopment to its Housing and Redevelopment Authority (the “HRA”) to take advantage of the redevelopment abilities the HRA has under Minnesota law. You’ve asked for a brief summary of the HRA’s redevelopment powers, which may provide a benefit to both the City and HRA if the properties designated for future redevelopment are transferred from City ownership to HRA ownership.

### **HRA’S REDEVELOPMENT POWERS**

HRA has the broad powers to create and operate “redevelopment projects” pursuant to Minn. Stat. Sections 469.001 to 469.047 (the “HRA Act”). A redevelopment project can be any work or undertaking to acquire property in order to remove, prevent or reduce blight or blighting factors; construct utilities and site improvements essential to the preparation of sites for uses in accordance with the redevelopment plan; or sell or lease land for uses in accordance with a redevelopment plan.

To redevelop properties within the City, in addition to the general powers of redevelopment set out above, the HRA has the power to, among other things:

- a. To undertake, prepare, carry out and operate projects and to provide for the construction, reconstruction, improvement, extension, alteration, or repair of any project or any part thereof.
- b. To give, sell, transfer, convey or otherwise dispose of real or personal property or any

- interest therein, and to execute leases, deeds, conveyances, negotiable instruments, purchase agreement and other contracts or instruments.
- c. To carry out studies of the housing and redevelopment needs within the City and of the meeting those needs.
  - d. To lease or rent land and buildings.
  - e. To own, hold and improve real or personal property and to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property.
  - f. Establish and operate a commercial rehabilitation loan program.
  - g. To make loans to a business, a for-profit or nonprofit organization, or an individual for any purpose that an HRA is otherwise authorized to carry out under the HRA Act.

In addition to the powers described above, HRAs may establish tax increment financing districts (with City Council approval). Tax increment may be used to finance or otherwise pay “public redevelopment costs” pursuant to the HRA Act, including public infrastructure, land acquisition, site improvements, demolition, correction of soil conditions, and administrative expenses of the HRA.

Please contact me at your convenience with any questions regarding the foregoing.

KENNEDY & GRAVEN, CHARTERED

Julie Eddington